

The Court applies the Fed. R. Civ. P. 12(b)(6) standards here. *Leal v. Ga. Dep't of Corrs.*, 254 F.3d 1276, 1278–79 (11th Cir. 2001). Allegations in the complaint are thus viewed as true and construed in the light most favorable to the plaintiff. *Bumpus v. Watts*, 448 F. App'x 3, 4 n. 1 (11th Cir. 2011). But conclusory allegations fail. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (discussing a 12(b)(6) dismissal). “[T]he pleading standard [Fed. R. Civ. P.] 8 announces does not require ‘detailed factual allegations,’

subpoena from the state prison system to retrieve his mental health records. Doc. 7. As this Court explained in *Moultrie v. Astrue*, 2012 WL 2191639 (S.D. Ga. Jun. 14, 2012), claimants cannot bypass 42 U.S.C. § 405(g) in quest of Social Security disability benefits. Smith ignored this in suing the SSA in state court, doc. 1 at 5 (denying his petition for a subpoena to the SSA for his records, “then order them to award him disability benefits.”), and he *again* ignores it re-suing the SSA here. His subpoena motion (doc. 7) is likewise **DENIED** and his case must be **DISMISSED** for lack of subject matter jurisdiction. See *Moultrie*, 2012 WL 2191639 at *2; *Hicks v. Astrue*, 2013 WL 309860 at * 2 (S.D. Ga. Jan. 25, 2013).

Nevertheless, he must pay his filing fee. His furnished account information shows that he has no funds in his prison account during the past six months. Doc. 5. He therefore owes an initial partial filing fee of \$0.00. See 28 U.S.C. § 1915(b)(1) (requiring an initial fee assessment “when funds exist,” under a specific 20 percent formula). Plaintiff’s custodian (or designee) therefore shall remit to the Clerk of Court

but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Id.* (citations omitted); see also *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (*pro se* pleadings are still construed liberally after *Iqbal*).

(payable to the "Clerk of Court") 20 percent of all future deposits to the account, then forward those funds to the Clerk each time the set aside amount reaches \$10.00, until the balance of the Court's \$350.00 filing fee has been paid in full.

Also, the Clerk is **DIRECTED** to send this Order to plaintiff's account custodian immediately, as this payment directive is nondispositive within the meaning of Fed.R.Civ.P. 72(a), so no Rule 72(b) adoption is required. In the event plaintiff is transferred to another institution, his present custodian shall forward a copy of this Order and all financial information concerning payment of the filing fee and costs in this case to plaintiff's new custodian. The balance due from the plaintiff shall be collected by the custodian at his next institution in accordance with the terms of this Order.

SO REPORTED AND RECOMMENDED this 28th day of May, 2013.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA